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**The Honorable Michael H. Simon**

Attorney for Plaintiff Riley Poor

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RILEY POOR,

Plaintiff,

vs.

FRONTIER AIR LINES, Inc.,

Defendant.

No. 3:13-cv-00107-SI

JOINT MOTION FOR MODIFICATION  
OF PRETRIAL DATES

I. RULE 7-1(a)(l)(A) CERTIFICATION.

The parties have conferred pursuant to Rule 7-1(a)(l)(A) and join in the following motion for modification of the pretrial dates.

II. MOTION FOR MODIFICATION OF PRETRIAL DATES.

The parties jointly move for a fourth modification of the pretrial dates as shown below. The parties ask for a 90 day continuance of the current dates to allow completion of fact discovery and mediation. Plaintiff is a tetraplegic and he alleges that he was injured when defendant's employees moved him from his seat on one of defendant's jets to an aisle chair. The current status of discovery is as follows. The parties have served and responded to requests for production of documents and interrogatories. The defendant took plaintiff Riley Poor's deposition on August 23, 2013.

PAGE 1 - JOINT MOTION FOR MODIFICATION OF PRETRIAL  
DATES

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Plaintiff took the deposition of two Frontier employees (Alaeldin Omer and John Brannon) on February 5, 2014. Defendant Frontier served a subpoena on plaintiff's employer Nike, Nike has responded with some documents, Frontier has requested a supplemental response, and the two are in discussions about that supplemental response. The parties have also requested supplemental discovery responses from each other. Based on information obtained in the depositions of Omer and Brannon, plaintiff intends to take the deposition of the first officer of the plane plaintiff rode when hurt, and of a representative of the company at the airport that provides wheelchair assistance. Defendant Frontier subpoenaed Katrina Beekman (plaintiff's companion at the time of the events giving rise to the complaint) for a deposition to be held on March 18, but Ms. Beekman has not been responsive to that subpoena. The parties scheduled the deposition of plaintiff Poor's treating physician Jennifer Lawlor, M.D. for the same day so that defendant's counsel would have to make only one trip to Portland from Chicago for the Beekman and Lawlor depositions, but Dr. Lawlor's deposition was taken off calendar when difficulties with Ms. Beekman's deposition arose.

The parties have agreed to mediate the case, and are working on selecting a mediator.

The parties expect that the modification of dates outlined below will permit the efficient conclusion of document production and depositions, and for those reasons they ask that the court adjust the pretrial schedule as follows.

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Event	Current Date	Proposed New Date
Fact Discovery Closes	March 31, 2014	June 30, 2014
Plaintiff's Expert Disclosure Due	April 2, 2014	July 1, 2014
Defendant's Motion for Federal Preemption Due	April 14, 2014	July 14, 2014
Defendant's Expert Witness Disclosure and Reports Due	June 26, 2014	September 24, 2014
Plaintiff's Rebuttal Expert Disclosure and Reports Due	July 28, 2014	October 27, 2014
Joint Status Report Due	August 11, 2014	November 9, 2014
Dispositive Motions Due	August 11, 2014	November 9, 2014

Respectfully submitted March 31, 2014

BRIAN T. MAYE  
/s/ Brian T. Maye  
 Brian T. Maye (*Pro Hac Vice*)  
 Adler Murphy & McQuillen LLP  
 Of Attorneys for Defendant Frontier Air  
 Lines, Inc.

JAMES F. HALLEY, P.C.  
/s/ James F. Halley  
 James F. Halley, OSB #91-175  
 Trial Attorney for Plaintiff Riley Poor

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2014, I served the attached JOINT MOTION FOR MODIFICATION OF PRETRIAL DATES on:

Brian T. Maye  
**ADLER MURPHY & McQUILLEN LLP**  
20 S. Clark, Suite 2500  
Chicago, Illinois 60603

**Timothy E. Miller**  
**Stuart W. Smith**  
Miller & Associates  
15005 S.W. Meadows Road, Suite 405  
Lake Oswego, OR 97035

by \_\_\_\_ having deposited in the United States Mail at Portland, Oregon a full, true and correct copy in a sealed envelope with postage prepaid, addressed as shown above, the last known address for the addressees listed;

by \_\_\_\_ having hand delivered to the attorneys shown above a full, true, and correct copy of the original.

by ☒ electronic filing.

/s James F. Halley  
James F. Halley, OSB #91175

The foregoing is a true, correct and complete copy of the original.

\_\_\_\_\_  
James F. Halley, OSB #91175